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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,398	09/10/2003	Chen-Shan Wu	US112951 (17494/119)	5651
23595	7590	02/11/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,398

Applicant(s)

WU, CHEN-SHAN

Examiner

Ruth C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Saltz (US 2,519,290).

A sealing structure (12,13) has a zipper (13) on two insides of an opening of a flexible unit of a container (9). One margin of the opening is a buffer plate and fitted to a margin of the buffer plate (next to 23) is a pillar-shaped inside fastener unit (22). Fitted to another margin of the buffer plate is another vertically extended buffer plate (next to 21) and fitted to an end of the buffer plate is a C-shaped flexible outside fastener unit (21). In such a way that after the zipper has closed the opening and an opening of the outside fastener unit is turned outward to permitting insertion of the inside fastener unit into the outside fastener unit (Fig. 2). The inside fastener unit is then tightly fastened by the outside fastener unit to achieve the purpose of resistance to water at the sealing (C. 1, L. 1-5).

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilce (US 6,006,691).

A sealing structure (131,132,126,128) has a zipper (131,132) on two insides of an opening of a flexible unit of a container (36). One margin of the opening is a buffer plate (between 128 and 132) and fitted to a margin of the buffer plate being a pillar-shaped inside fastener unit (128). Fitted to another margin of the buffer plate is another vertically extended buffer plate (between 126 and 131) and fitted to an end of the buffer plate being a C-shaped flexible outside fastener unit (126). In such a way that after the zipper has closed the opening and an opening of the outside fastener unit is turned outward to permitting insertion of the inside fastener unit into the outside fastener unit (Fig. 20). The inside fastener unit is then tightly fastened by the outside fastener unit to achieve the purpose of resistance to water at the sealing (C. 10, L. 7-9).

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Saltz and Wilce disclose a sealing structure capable of withstanding water pressure that have all the features listed above in paragraphs 2 and 3, respectively, for the rejection of claim 1. However both references fails to disclose that the sealing

structure is fitted outside the outside fastener unit with optionally an additional C-shaped flexible exterior wrapping strip that tightly envelops the outside fastener unit.

Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have an additional wrapping strip that surrounds the outside unit in order to provide an additional seal to the structure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sipe (US 1,929,083), Siple (US 2,460,853), Saltz (US 2,519,290), Sander (US 2,810,944), Heimberger (US 3,490,109), Clark (US 4,941,238), Herrington et al. (US 5,020,194), Wilce (US 6,006,691), Bois (US 6,305,844 B1) and European Patent Document EP 0 279 599 A1 are cited to show state of the art with respect to sealing structures that have some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Signature)

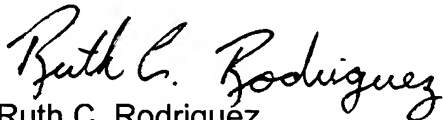
If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up

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copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
February 9, 2005